

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

' 101. Scope and Purpose

The Louisiana Legislature recognizes that the safety and welfare of state citizens "require efficient and reasonable regulation of solid waste disposal practices as well as a coordinated, statewide resource recovery and management system" (R.S. 30:2152). Therefore, the ~~Office of Solid and Hazardous Waste of the~~ Department of Environmental Quality has formulated these rules and regulations to:

* * *
[See Prior Text in A - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 111. Review of the Rules and Regulations

These rules and regulations shall be reviewed and revised as follows:

A. Frequency. The ~~office~~department will review these rules and regulations at least once every three years.

* * *
[See Prior Text in B - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 113. Public Information Service

A. Responses to Suggestions and Complaints. The ~~Solid Waste Division~~ department will respond to complaints and suggestions and disseminate all pertinent information concerning solid waste. Information will be disseminated by letter or telephone communication in response to direct inquiries and through a departmental bulletin issued periodically that will include lists of permits, enforcement actions, and similar information of general interest, if such a bulletin is available.

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[See Prior Text in B]

C. Mailing List. The department will maintain a mailing list of groups or individuals interested in public hearings and other such activities of the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 115. Definitions

For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

[See Prior Text]

Administrative Authority ~~C~~the secretary of the Department of Environmental Quality or his ~~delegate, or the assistant secretary of the Office of Solid and Hazardous Waste or his delegate~~ designee.

* * *

[See Prior Text]

Applicant—any person who intends to be a standard permit-holder for a solid waste processing and/or disposal facility and who has submitted a permit application to the ~~Solid Waste Division of the Office of Solid and Hazardous Waste~~, Department of Environmental Quality.

* * *

[See Prior Text]

Assets—all existing and all probable future economic benefits obtained or

controlled by a particular entity.

~~Assistant Secretary~~ ~~Cthe assistant secretary of the office of Solid and Hazardous Waste, Department of Environmental Quality.~~

Authority—the Louisiana Resource Recovery and Development Authority established by R.S. 30:2301.1 et seq.

* * *

[See Prior Text]

Order Authorizing Commencement of Operations—a written authorization issued by the administrative authority after a permit-holder has completed all upgrading measures or completed construction measures, provided the required certification and a successful initial start-up inspection has been conducted by a representative of the ~~Solid Waste Division~~ department.

* * *

[See Prior Text]

Solid Waste—any garbage, refuse, or sludge from a wastewater-treatment plant, water-supply treatment plant, or air pollution—control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. *Solid waste* does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.

~~Solid Waste Division~~ ~~C~~ ~~Solid Waste Division, Louisiana Department of Environmental Quality.~~

Solid Waste Management System—the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish, or any combination thereof.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of

Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste

Chapter 3. Scope and Mandatory Provisions of the Program

' 301. Wastes Governed by These Regulations

All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows:

* * *
[See Prior Text in A]

1. agricultural-crop residues, aquacultural residues, silvicultural residues, and other agricultural wastes stored, processed, or disposed of on the site where the crops are grown or which are stored, processed, or disposed in accordance with a best management practice plan which has been provided to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division and approved in writing by the Department of Agriculture, and within the jurisdiction of the Department of Agriculture;

* * *
[See Prior Text in A.2 - B.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following solid wastes, that are processed or disposed of in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

* * *
[See Prior Text in A - I]

J. woodwastes which are beneficially used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division, provided the following requirements are met:

1. the generator must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of such activity at each site in accordance with LAC 33:VII.503.A;

2. the generator must submit to the Office of Environmental Services, Environmental Assistance Division a disposer annual report in accordance with the standards in LAC 33:VII.1109, which reports amounts of woodwastes beneficially used at each site;

* * *

[See Prior Text in K - L]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following facilities; that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

* * *

[See Prior Text in A - D]

1. the facility must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.503.A; and

2. the facility must submit to the Office of Environmental Services, Environmental Assistance Division a disposer annual report in accordance with the standards for construction/demolition-debris disposal facilities found in LAC 33:VII.721;

* * *

[See Prior Text in E - H]

1. the facility must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.503.A;

2. the facility must submit to the Office of Environmental Assessment, Remediation Services Division a disposer annual report in accordance with the standards for woodwaste disposal facilities in LAC 33:VII.721;

* * *

[See Prior Text in H.3 - I.3]

4. the facility must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of its activities in accordance with LAC 33:VII.503.A;

5. the facility must submit to the Office of Environmental Services, Environmental Assistance Division a disposer annual report which accurately estimates volumes of waste disposed in accordance with the standards for woodwaste disposal facilities found in LAC 33:VII.721; and

* * *

[See Prior Text in I.6 - J]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:** (June 2000), LR 26**.

' 307. Exemptions

* * *

[See Prior Text in A - C.1]

2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. The notice shall describe the nature of the emergency exemption and the period of time for which the exemption

was granted. Proof of publication of the notice shall be forwarded to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division within 60 days after the granting of an emergency exemption.

* * *

[See Prior Text in D - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 311. Submittal of Information by Persons Other than Permit Holder or Applicant

Documentation must be provided to the Office of Environmental Services, Permits Division by the permit holder or applicant authorizing other persons to submit information on their behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 315. Mandatory Provisions

All persons conducting activities regulated under these regulations shall comply with the following provisions:

* * *

[See Prior Text in A - G.1]

a. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division, no later than February 1, 1994, a mandatory modification document to address these regulations.

* * *

[See Prior Text in G.1.b - G.2]

a. Permit holders of existing Type II landfills operating under a standard permit must submit to the ~~Solid Waste Division~~ department, no later than August 1, 1994, a mandatory modification document to address these regulations.

* * *

[See Prior Text in G.2.b - G.3]

a. Permit holders for all other Type I, Type I-A, Type II, and Type II-A facilities operating under a standard permit must submit to the ~~Solid Waste Division, Office of Solid and Hazardous Waste, Department of Environmental Quality~~, no later than February 1, 1994, a mandatory modification document to address these regulations.

* * *

[See Prior Text in G.3.b – G.6]

7. Permit-holders of facilities which have earthen ditches that lead to or from units of the facility and receive solid waste must:

a. submit a plan to the department by February 1, 1994, to:

* * *

[See Prior Text in G.7.a.i – G.8]

9. The permit holder of a Type II facility must submit to the ~~Solid Waste Division~~ department a new or amended closure plan and a post-closure plan in the form of a permit modification to address these regulations no later than October 9, 1993, or by the initial receipt of waste, whichever is later.

10. Municipal solid waste landfills that commenced construction, reconstruction, or modification or began accepting waste on or after May 30, 1991, are subject to 40 CFR part 60, subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit ~~from the Air Quality Division of the department~~ under the Air Quality regulations, LAC 33:III.

11. Municipal solid waste landfills that accepted waste on or after November 8, 1987, or for which construction, reconstruction, or modification was commenced before May 30, 1991, may be subject to 40 CFR part 60, subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit ~~from the Air Quality Division of the department~~ under the Air Quality regulations, LAC 33:III.

H. Existing Facilities Operating Under a Temporary Permit with Pending Permit Applications. Permit holders of existing facilities operating under a

temporary permit must submit to the ~~Solid Waste Division, Office of Solid and Hazardous Waste, Department of Environmental Quality~~, no later than January 1, 1994, an addendum to the permit application to address these regulations. Existing facilities which do not hold a standard permit must be upgraded in accordance with the applicable deadlines according to facility type in Subsection G of this Section unless earlier deadlines are required by the administrative authority.

* * *

[See Prior Text in I]

1. Applicants of proposed facilities with permit applications on file with the ~~Solid Waste Division, Office of Solid and Hazardous Waste, Department of Environmental Quality~~, must submit to the ~~office~~ Office of Environmental Services, Permits Division, no later than January 1, 1994, an addendum to their application to address these regulations.

* * *

[See Prior Text in I.2]

J. Access to Facilities. The administrative authority or his representative shall have access to the premises of all facilities used for the management of solid waste for all purposes authorized under R.S. 30:2001 et seq., particularly R.S. 30:2012. These inspections may be conducted during normal operating hours; however, the ~~office~~ department reserves the right to conduct inspections before and after operating hours. Upon request of the operator or permit holder, the administrative authority or his representative shall discuss the preliminary findings of any such investigation before leaving the premises.

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[See Prior Text in K – L]

M. Notice of Damage to Structures in a Solid Waste Facility. The ~~Solid Waste Division~~ Office of Environmental Compliance shall be notified within 48 hours by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us or other means of communication when damage to or degradation of any structure of a solid waste facility occurs that would impair the ability of the facility to meet the conditions of its permit.

* * *

[See Prior Text in N - R.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 319. Assignment and Reassignment of Responsibilities

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[See Prior Text in A]

B. Reassignment of Responsibilities. The administrative authority may reassign responsibilities ~~assigned to the Solid Waste Division within the department~~ or to local authorities in LAC 33:VII.317.B as may be deemed necessary to operate the program more effectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste

Chapter 5. Solid Waste Management System

Subchapter A. Administration, Classification, and Inspection Procedures

' 501. Administration

This program shall be administered by the ~~Solid Waste Division, Office of Solid and Hazardous Waste,~~ Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 503. Notification

A. Notification

1. Except as provided for in Subsection A.2 of this Section, persons who generate industrial solid waste and or persons who transport, process, or dispose of solid waste shall, within 30 days after they become subject to these regulations, notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing of such activity. A form to be used for notification shall be obtained from the ~~administrative authority~~ Office of Environmental Services, Permits Division or through the department's website at www.deq.state.la.us.

2. Persons who generate industrial solid waste and persons who transport, process, or dispose of solid waste who have previously notified the ~~Solid Waste Division~~ department of such activity are not required to renotify, unless changes are warranted.

3. Owners or operators of pickup stations are required to notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of such activities within 30 days after they become subject to these regulations. Existing facilities which have previously notified are not required to renotify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 505. Classification of Existing Facilities Which Have Not Been Previously Classified or Which Are Not Presently Operating under a Standard Permit

* * *

[See Prior Text in A - A.1]

2. Within 120 days after the review and acknowledgment of the notification by the administrative authority, a representative of the ~~Solid Waste Division~~ department will perform an on-site investigation of the facility to determine its classification. At the time of the classification inspection, the processor and/or disposer shall provide the representative with a map clearly depicting the location and size of each facility (and units thereof) to be classified and a schematic of the waste entering each unit of a facility to be classified.

3. Within 30 days after the classification inspection, any person who processes or disposes of solid waste shall file with the ~~administrative authority~~ Office of Environmental Services, Permits Division a notice of his intent to upgrade or close a facility.

* * *

[See Prior Text in B - C.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 509. Inspection Procedures

The following are the types of inspections made at solid waste processing or disposal facilities.

A. Classification Inspection. A classification inspection is required for all existing facilities not previously classified, and each facility's initial classification is based on this inspection. It is performed after the ~~Solid Waste Division~~ department receives notification of operations (LAC 33:VII.503.A.1).

B. Compliance Inspections. The ~~Solid Waste Division~~ department will inspect each facility and each facility's records periodically to determine the facility's compliance with the terms of standard or temporary permits and these regulations.

* * *

[See Prior Text in C]

1. For existing facilities, the initial start-up inspection shall be made after a standard permit has been issued, all upgrading measures are completed, new activities as a result of upgrade are implemented, and certification is submitted to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division by a registered engineer, licensed in the state of Louisiana, that the facility is constructed and has been upgraded in accordance with the permit.

2. For new facilities, the initial start-up inspection shall be made after a standard permit has been issued, construction measures have been completed, and certification is submitted to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division by a registered engineer, licensed in the state of Louisiana, that the facility is constructed in accordance with the permit.

3. All start-up inspections shall be initiated within 10 working days of receipt of certification by the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division unless a longer time period is set by mutual agreement.

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[See Prior Text in C.4]

D. Construction Inspections. At least 10 days prior to commencing construction of a liner, leak-detection system, leachate-collection system, or monitoring well at a Type I or Type II facility, the permit holder shall notify the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division, in writing, of the date on which construction will begin, in order to allow a representative of the division the opportunity to witness the construction.

* * *

[See Prior Text in E]

1. Start-Up inspections for new units of a standard permitted facility shall be conducted after completion of all construction measures and after submittal of certification to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division, by a registered engineer licensed in the state of Louisiana, that the unit is constructed in accordance with the permit.

2. All start-up inspections shall be initiated within 10 working days of receipt of certification by the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division.

* * *

[See Prior Text in E.3]

F. Modification Start-Up Inspections—All Facilities

1. Start-up inspections for modified construction of a standard permitted facility shall be conducted after construction measures of the modification are completed and certification is submitted to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division by a registered engineer licensed in the state of Louisiana, that the modified feature/unit has been constructed in accordance with the modification approved by the administrative authority and any conditions specified in such approval.

* * *

[See Prior Text in F.2]

G. Closure Inspections. Closure inspections will be conducted within 30 days after the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure plan and the permit holder has filed a request for a closure inspection. Closure inspections must be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

' 511. Permit System

* * *

[See Prior Text in A - A.2]

a. Generators who are not processors or disposers of solid waste are not required to secure a permit. Generators of industrial solid waste

must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.1. Generators of industrial solid waste are subject to the applicable standards provided in LAC 33:VII.701.

b. Transporters who are not processors or disposers of solid waste are not required to secure a permit, but must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.1. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.705.

* * *

[See Prior Text in A.2.c]

d. Pickup stations at which no solid waste is processed or disposed of are not required to secure a permit. Pickup stations are subject to the standards found in LAC 33:VII.703 and 707 and must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.

* * *

[See Prior Text in B - C]

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person(s) notifying the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division will be issued a temporary permit and may continue operations in accordance with the interim operational plan, pending a decision on the standard permit application.

* * *

[See Prior Text in C.2 - D.2]

a. Processing and/or disposal facilities with an effective standard permit shall submit to the Office of Environmental Services, Permits Division a new permit application at least 455 days before the expiration date of the standard permit, unless permission for later filing is granted by the administrative authority. If the reapplication is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

* * *

[See Prior Text in D.2.b - G.2]

3. The applicant shall provide appropriate documentation to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a standard permit. This notice shall be published one time as a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of this state and the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

* * *

[See Prior Text in A.2 – A3]

B. Permit Application Requirements

1. Any person who generates, transports or stores solid waste is not issued a permit but is under the jurisdiction of the ~~Solid Waste Division~~ department and must comply with the applicable provisions of these regulations.

2. Submittal of Permit Applications

a. Any applicant for a standard permit for existing or proposed processing and disposal facilities shall complete Part I, Part II, and Part

III of the standard permit application, following the instructions for the appropriate facility class in LAC 33:VII.519, 521, and 523, and submit four copies to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. Each individual copy of the application shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

* * *

[See Prior Text in B.2.b]

c. The completed separate standard permit application for each existing facility shall be submitted to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division within 180 days after issuance of the temporary permit.

C. Notices to Parish Governing Authorities As provided in R.S. 30:2022, upon receipt of a permit application the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall provide written notice on the subject matter to the parish governing authority, who shall promptly notify each parish municipality affected by the application.

* * *

[See Prior Text in D - D.1]

2. The applicant shall make available to the ~~Solid Waste Division~~ department the assistance of professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

3. The applicant shall furnish all other technical information the ~~office~~ department may require to evaluate the standard permit application, monitor the performance of the facility, and insure that the purposes of this program are met.

E. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be rejected. For the administrative authority to reconsider the application, the applicant must resubmit the entire standard permit application to the Office of Environmental Services, Permits Division, including the review fee, by a reasonable due date set by the administrative authority.

* * *

[See Prior Text in E.2 - F.1.b]

c. one copy to the ~~Solid Waste Division~~ appropriate Regional Office; and

d. two copies to remain in the ~~office~~ department's headquarters in Baton Rouge.

* * *

[See Prior Text in F.2]

3. After the five copies are submitted to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division, notices will be placed in the ~~office~~ department's bulletin (if one is available), the official journal of the state, and in the official journal of the parish where the facility is located. The ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall publish a notice of acceptance for review one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper will be reviewed by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. The notice shall be published in accordance with the sample public notice provided by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. The applicant is responsible for providing the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division with proof of publication.

* * *

[See Prior Text in F.4]

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (LAC 33:VII.513.F.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division will send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices will be published at least 20 days before a fact-finding hearing in the official journal of the state and in the official journal of the parish where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five

inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. Those persons on the ~~Solid Waste Division's~~ Office of Environmental Services, Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. Comments received by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division until the close of business 30 days after the date of a public hearing will be reviewed by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in G - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 515. Permit Process for Existing Facilities Classified for Closure

A. Closure Plan Review and Evaluation. LAC 33:VII.505 and LAC 33:VII.Chapter 7 establish the evaluation criteria used by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division.

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division four bound copies of a closure plan within 60 days after issuance of the temporary permit for the facility. Each individual copy of the plan shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

* * *

[See Prior Text in B.2 – 3]

C. Closure Plans Determined Unacceptable or Deficient

1. Closure plans that are determined unacceptable for a technical review will be rejected. The permit holder will be required to resubmit the entire application to the Office of Environmental Services, Permits Division, including the review fee, by a date set by the administrative authority.

* * *

[See Prior Text in C.2]

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete will be approved. Within 30 days after receipt of closure plan approval, the permit holder shall submit to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division three copies of the closure plan which incorporate all revisions made during the closure plan review process. Additional copies will be required if deemed necessary by the administrative authority. Each copy shall be provided as a standard three-ring-bound document measuring 8 1/2 by 11 inches, and shall include appropriate tabbing for all appendices, figures, etc. Closure plans must incorporate revisions made during the review process. Closure plans that present revisions made during the review process as a separate supplement to the closure plan shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 517. Permit Modifications

* * *

[See Prior Text in A]

1. Modification Requests

a. The permit holder shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in advance of any change in a facility or deviation from a permit. Such notification shall detail the proposed modification and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit narrative shall be identified therein.

i. Initially, four copies of all modification requests shall be provided to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. Each individual copy of the document shall be 8 1/2" by 11" and shall be bound in standard three-ring binder(s).

* * *

[See Prior Text in A.1.a.ii]

b. All notifications of proposed changes in ownership of a permit for a facility are the responsibility of the permittee and shall include the following, to be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

* * *

[See Prior Text in A.1.b.i - 2.a.xi]

b. Permit modifications which require public notice and that have been determined by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division to be technically complete will be accepted for public review. When the permit modification is accepted for public review, the permit holder must forward copies of the permit modification as follows:

i. two copies to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division main office in Baton Rouge;

ii. one copy to the appropriate ~~Solid Waste Division~~ regional office;

* * *

[See Prior Text in A.2.b.iii - iv]

c. The permit holder shall provide the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division with evidence that copies of the permit modification have been forwarded to the local parish governing authority and the parish public library.

d. After distribution of the permit modification, the permit holder is responsible for placing a notice in the official journal of the state and in the official journal of the parish where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five

inches in the official journal of the state will be the only public notice required. The notice will solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published will be reviewed by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. The notice shall be published in accordance with a sample public notice provided by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division. The permit holder is responsible for providing the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division with proof of publication of the notice.

* * *

[See Prior Text in A.2.e - 4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Permit Application

' 521. Part II: Supplementary Information, All Processing and Disposal Facilities

The following information is required in the permit application for solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and explain why.

* * *

[See Prior Text in A - F.5.c]

d. for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application must be included. (If this data exists in the ~~Solid Waste Division~~ department records, the administrative authority may allow references to the data in the permit application.) For an existing facility with no wells, groundwater data shall be submitted within 90 days

after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;

* * *

[See Prior Text in F.5.e - M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste

Chapter 7. Solid Waste Standards

Subchapter A. General Standards

' 701. Standards Governing Industrial Solid Waste Generators

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off site.

2. The generator's annual report shall name the transporter(s) who removed the industrial solid waste from the generator's site and the permitted solid waste processing or disposal facility or facilities that processed or disposed of the waste. The form to be used shall be obtained from the ~~Solid Waste Division~~ department or through the department's website at www.deq.state.la.us.

* * *

[See Prior Text in A.3]

4. The report shall be submitted to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division by August 1 of each reporting year.

* * *

[See Prior Text in A.5 - B.1]

a. submit to the Office of Environmental Services, Permits Division a generator notification form (which is to be provided by the administrative authority) which includes analysis, analytical data, and/or process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:Part V or by federal regulations; and

b. obtain an industrial waste code number from the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in B.2 - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Landfills, Surface Impoundments, Landfarms

' 709. Standards Governing All Solid Waste Disposal Facilities (Type I and II)

* * *

[See Prior Text in A - E.1.c.i]

ii. Construction of monitoring wells for facilities regulated by the ~~Solid Waste Division~~ department shall require approval of the administrative authority prior to construction.

* * *

[See Prior Text in E.1.c.iii - iii.(e).(v)]

d. Post Construction. Within 90 days after construction of the wells, the permit holder or applicant must submit to the Office of Environmental Services, Permits Division well-completion details to verify that the wells were constructed according to the approved specifications and to document construction procedures. A permit modification fee will not be required. Well-completion details should include, but are not limited to:

* * *

[See Prior Text in E.1.d.i - e.ii.(c)]

(d). The permit holder must notify the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division of the plugging and abandonment of monitoring wells or geotechnical borings and keep records of such abandonments.

* * *

[See Prior Text in E.1.f - 3.a]

b. Initial Sampling

i. For a new facility, monitoring wells must be sampled and the analytical data for a sampling event must be submitted to the Office of Environmental Assessment, Environmental Technology Division before waste is accepted.

ii. For an existing facility with no wells in place at the time of the application submittal or at the time at which the facility becomes subject to these regulations, the analytical data shall be submitted to the Office of Environmental Assessment, Environmental Technology Division within 90 days after installation of the monitoring wells.

* * *

[See Prior Text in E.3.b.iii - d]

e. The permit holder or applicant must submit four bound copies (8 1/2 by 11 inches) of a report of all groundwater sampling results to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division no later than 90 days after each sampling event. The reports must be submitted on forms provided by the administrative authority and shall include at a minimum:

* * *

[See Prior Text in E.3.e.i - f.i]

ii. submit to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division, within 14 days after the determination is made, a report that identifies which parameters or constituents were determined to have shown statistically significant changes from background levels; and

* * *

[See Prior Text in E.3.f.iii - iii.(a)]

(b). submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division demonstrating that a source other than the facility being sampled caused the contamination or that the statistically significant increase resulted from an error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality.

* * *

[See Prior Text in E.3.f.iv - 4.b.ii]

c. No later than 90 days after the completion of the initial or subsequent sampling events for all Appendix C, Table 2 parameters or constituents required in Subsection E.4.b of this Section, the permit holder must submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division identifying the Appendix C, Table 2 parameters or constituents that have been detected. No later than 180 days after completion of the initial or subsequent sampling events for all Appendix C, Table 2 parameters or constituents required in Subsection E.4.b of this Section, the permit holder must:

* * *

[See Prior Text in E.4.c.i - iii]

d. If the concentrations of all Appendix C, Table 2 parameters or constituents are shown to be at or below background values, using the statistical procedures in Subsection E.2.e of this Section, for two consecutive sampling events, the permit holder must notify the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division, and upon written approval of the administrative authority, may return to detection monitoring.

* * *

[See Prior Text in E.4.e]

f. If one or more Appendix C, Table 2 parameters or constituents are detected at statistically significant levels above the groundwater protection standard established under Subsection E.4.g of this Section, in any sampling event, using the statistical procedures in Subsection E.2.e of this Section, the permit holder must, within 14 days of the determination, notify all appropriate local government officials and submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division identifying the Appendix C, Table 2 parameters or constituents which have exceeded the groundwater protection standard. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 x 11 inches) of an assessment plan to the Office of

Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division that provides for:

* * *

[See Prior Text in E.4.f.i.(a) - iv]

v. may submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division demonstrating that a source other than the facility being sampled caused the contamination, or the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. If the administrative authority approves this demonstration in writing, the permit holder must continue assessment monitoring at the facility in accordance with Subsection E.4 of this Section, or may return to detection monitoring if the Appendix C, Table 2 parameters or constituents are below background as specified in Subsection E.4.d of this Section. Until such a written approval is given, the permit holder must comply with Subsection E.4.f of this Section, including initiating an assessment of corrective action measures.

* * *

[See Prior Text in E.4.g - 6]

a. Based on the results of the corrective measures assessment conducted under Subsection E.5 of this Section, the permit holder must select a remedy that, at a minimum, meets the standards of Subsection E.6.b of this Section. Within 180 days after initiation of the corrective measures assessment required in Subsection E.5 of this Section, the permit holder must submit four bound copies (8 ½ by 11 inches) of a corrective-action plan to the Office of Environmental Assessment, Environmental Technology Division, describing the selected remedy, which will meet the requirements of Subsection E.6.b-d of this Section and be in accordance with LAC 33:I.Chapter 13. The corrective-action plan must also provide for a corrective-action groundwater monitoring program as described in Subsection E.7.a.i of this Section.

* * *

[See Prior Text in E.6.b - 7.a.ii]

b. A permit holder may submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division demonstrating, based on information developed after implementation of the corrective action plan has begun or other information, that compliance with requirements of Subsection E.6.b of this Section are not being achieved through the remedy selected. A revised corrective-action plan providing other methods or

techniques that could practically achieve compliance with the requirements of Subsection E.6.b of this Section must accompany the demonstration.

* * *

[See Prior Text in E.7.c]

d. The permit holder may submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division demonstrating that compliance with the requirements under Subsection E.6.b of this Section cannot be achieved with any currently available methods.

e. If the administrative authority approves, in writing, the demonstration submitted pursuant to Subsection E.7.d of this Section, the permit holder must, within 30 days of the approval, submit a plan to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division (which includes an implementation schedule) to implement alternate measures in accordance with LAC 33:I.Chapter 13:

* * *

[See Prior Text in E.7.e.i - 8.b]

c. If assessment monitoring parameters or constituents are detected at concentrations significantly different from background in the resampling event in Subsection E.4.b of this Section, the permit holder must, within 14 days of the determination, submit a report to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division identifying the assessment monitoring parameters or constituents which are statistically different from background concentrations. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 by 11 inches) of an assessment plan to the Office of Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division that provides for:

* * *

[See Prior Text in E.8.c.i.(a) - 9.a]

b. Within 270 days after the submission of the assessment plan, the permit holder must submit four bound copies (8 1/2 by 11 inches) of a corrective-action plan to remediate the groundwater to the Office of Environmental Assessment, Environmental Technology Division, describing the selected remedy, which shall also include:

* * *

[See Prior Text in E.9.b.i - 10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 711. Standards Governing Landfills (Type I and II)

* * *

[See Prior Text in A - C.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period and to determine remaining capacity shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or through the department's website at www.deq.state.la.us.

* * *

[See Prior Text in C.1.a.ii - b.iii.(p)]

(q). copies of all documents received from and submitted to the ~~Solid Waste Division~~ department.

* * *

[See Prior Text in C.2 - 2.a]

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be

notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in D - D.3.a.i]

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

* * *

[See Prior Text in D.3.a.ii.(a) - iii]

(a). immediately take all necessary steps to ensure protection of human health and notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us;

(b). within seven days of detection submit a report to the ~~administrative authority~~ Office of Environmental Compliance that provides the methane gas levels detected and a description of the steps taken to protect human health; and

(c). within 30 days of detection, submit a remediation plan to the Office of Environmental Assessment, Environmental Technology Division for the methane gas releases to the administrative authority. The plan shall describe the nature and extent of the problems and the proposed remedy and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us when strong odors occur at facility boundaries.

* * *

[See Prior Text in D.3.a.v - c.i]

ii. A schedule of the type and frequency of vector control measures to be used shall be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division for approval in the operational plan.

* * *

[See Prior Text in D.3.d - 5.c]

6. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection D.6.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in E.1.a - 3.c]

d. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in Appendix F. The facility shall provide the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division with a true copy of the document filed and certified by the parish clerk of court.

* * *

[See Prior Text in E.4 - F.3]

a. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the ~~Solid Waste Division~~ Office of Environmental Compliance, Surveillance Division on the integrity of the final cap;

* * *

[See Prior Text in F.3.b - d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 713. Standards Governing Surface Impoundments (Type I and II)

* * *

[See Prior Text in A - C.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. If applicable, the annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal and to determine remaining capacity during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or through the department's website at www.deq.state.la.us.

* * *

[See Prior Text in C.1.a.ii - b.iii.(o)]

(p). copies of all documents received from or submitted to the ~~Solid Waste Division~~ department.

* * *

[See Prior Text in C.2 - 2.a]

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in D - D.3.a.i]

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

* * *

[See Prior Text in D.3.a.ii.(a) - iii]

(a). immediately take all necessary steps to ensure protection of human health and notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us;

(b). within seven days of detection, submit a report to the ~~administrative authority~~ Office of Environmental Compliance that provides the methane gas levels detected and a description of the steps taken to protect human health; and

(c). within 30 days of detection, submit a remediation plan for the methane gas releases to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us when strong odors occur at facility boundaries or when methane gas levels exceed the limit specified in Subsection D.3.a.ii of this Section.

* * *

[See Prior Text in D.3.a.v - c]

d. If a leak in an impoundment is found, the administrative authority shall be notified in accordance with LAC 33:I.~~Subpart 2~~ Chapter 39.

* * *

[See Prior Text in D.3.e – 4]

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in E.1.a - 3.b.v]

vi. analyses to be sent to the ~~administrative authority~~ Office of Environmental Services, Permits Division confirming that clean closure has been achieved;

* * *

[See Prior Text in E.3.b.vii]

viii. a statement from the permit holder indicating that, after the closure requirements have been met, the permit holder will file a request for a closure inspection with the Office of Environmental Services, Permits Division before backfilling takes place. The administrative authority will determine whether the facility has been closed properly.

* * *

[See Prior Text in E.3.c - F.2.b]

i. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the ~~Solid Waste Division~~ Office of Environmental Compliance, Surveillance Division on the integrity of the final cap;

* * *

[See Prior Text in F.2.b.ii - iv]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR

19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 715. Standards Governing Landfarms (Type I and II)

* * *

[See Prior Text in A - C.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight and dry-weight tons per year) received from in-state generators and from out-of-state generators during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us.

* * *

[See Prior Text in C.1.a.ii - b.iii.(n)]

(o). copies of all documents received from or submitted to the ~~Solid Waste Division~~ department;

(p). a copy of the semiannual soil waste mixtures tests and analyses of the results with conclusions shall be submitted semiannually ~~to the Office of Environmental Assessment, Environmental Technology Division~~ or more frequently if deemed necessary by the administrative authority;

* * *

[See Prior Text in C.1.b.iii.(q) - (r)]

(s). annual reports shall be submitted to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division for a minimum of three years (Type II landfarms) and 10 years (Type I landfarms) after closure and shall contain analyses of all test results of the soils. The post closure monitoring annual reporting may be reduced for certain types of landfarms if the permit-holder demonstrates to the administrative authority satisfaction that such is warranted.

* * *

[See Prior Text in C.2 - 2.a]

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in D - D.3.a.i]

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

* * *

[See Prior Text in D.3.a. ii.(a) - iii]

(a). immediately take all necessary steps to ensure protection of human health and notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us;

(b). within seven days of detection, submit a report to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division that provides the methane gas levels detected and a description of the steps taken to protect human health; and

(c). within 60 days of detection, submit a remediation plan for the methane gas released to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule.

iv. The permit holder shall notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us when strong odors occur at facility boundaries.

* * *

[See Prior Text in D.3.a.v - k.ii.(a)]

(b). An operating plan for the facility shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division that demonstrates how the animal feed will be distributed to preclude ingestion by humans and that describes the

measures to be taken to safeguard against possible health hazards from the entry of cadmium or other heavy metals into the food chain, as may result from alternative land use.

* * *

[See Prior Text in D.3 k.ii.(c) - 5]

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in E.1.a - F.3.a]

b. Annual reports shall be submitted to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division for a period of three years after closure and shall contain results of analysis of all soil/waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Solid Waste Processors

' 717. Standards Governing All Solid Waste Processors (Type I-A and II-A)

* * *

[See Prior Text in A - F.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us. The following applies to reports:

* * *

[See Prior Text in F.1 a.ii - 2.a]

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in G - G.3.h.ii]

(a). Testing procedures, schedules, and methods must be submitted to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division for review and approval before disposal operations begin. Disposal of ash shall be only in a permitted Type I facility. Processing of ash shall be only in a permitted Type I-A facility.

* * *

[See Prior Text in G.3.h.ii.(b) - 5]

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection G.5.a of this Section shall be conducted annually for all employees working at the facility. A

copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in H]

I. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in I.1.a - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Minor Processing and Disposal Facilities

' 719. Standards Governing All Minor Processing and Disposal Facilities (Type III)

* * *

[See Prior Text in A - D.1]

2. A design for surfacing natural soils that do not meet the requirement in Subsection D.1 of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Subsection D.1 of this Section shall be provided to the Office of Environmental Services, Permits Division.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 721. Construction and Demolition Debris and Woodwaste Landfills and Processing Facilities (Type III)

* * *

[See Prior Text in A - B.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us.

* * *

[See Prior Text in B.1.a.ii - b.i]

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the ~~Solid Waste Division~~ department.

* * *

[See Prior Text in B.1.b.iii - 2]

3. Type III facilities receiving construction and demolition debris and woodwaste shall have the number and levels of certified operators employed at the facility as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in B.3.a - C.4]

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in D]

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in D.1.a - 3.b]

c. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in LAC 33:VII.Chapter 11,Appendix F. The facility shall provide the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division with a true copy of the document filed and certified by the parish clerk of court.

* * *

[See Prior Text in D.4 - E.2]

3. Annual reports concerning the integrity of the cap shall be submitted to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division for a period of three years after closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December

1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26.**.

' 723. Composting Facilities (Type III)

* * *

[See Prior Text in A - B.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us.

* * *

[See Prior Text in B.1.a.ii - b.i]

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the ~~Solid Waste Division~~ department.

* * *

[See Prior Text in B.1.b.iii - 2]

3. Type III facilities receiving solid waste for composting shall have the number and levels of certified operators employed at the facility as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in C - D]

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90

days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in D.1.a - 2.b]

c. The permit holder shall verify that the underlying soils have not been contaminated in the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the ~~administrative authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in D.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 725. Separation and Woodwaste Processing Facilities (Type III)

* * *

[See Prior Text in A - B.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the ~~Solid Waste Division~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us. The following applies to reports:

* * *

[See Prior Text in B.1.a.ii - b.i]

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of

receipt of shipments of waste and the transporter's solid waste identification number issued by the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in B.1.b.iii - 2]

3. Type III facilities receiving solid waste for separation shall have the number and levels of certified operators employed at the facility as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

* * *

[See Prior Text in C - C.5]

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in D.1.a - 2.b]

c. The permit holder shall verify that the underlying soils have not been contaminated from the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the ~~administrative authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in D.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Financial Assurance for All Processors and Disposers of Solid Waste

' 727. Financial Assurance

* * *

[See Prior Text in A - A.1]

a. Permit holders or applicants for Type I and II facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$1 million per occurrence and \$1 million annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division.

b. Permit holders or applicants for Type I-A and II-A facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$500,000 per occurrence, and \$500,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division.

c. Permit holders or applicants for Type III facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$250,000 per occurrence, and \$250,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.1.d - d.i.(c).(iii)]

(iv). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice

is received by the ~~administrative authority~~ Office of Management and Finance, Financial Services Division;

(v). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the ~~administrative authority~~ Office of Management and Finance, Financial Services Division;

* * *

[See Prior Text in A.1.d.i.(c).(vi)]

(d). the wording of the liability endorsement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SOLID WASTE FACILITY LIABILITY ENDORSEMENT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 8226331
Baton Rouge, Louisiana 70884-226331
Attention: ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division

Dear Sir:

* * *

[See Prior Text in 1 – 4]

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

(e). the wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY CERTIFICATE OF LIABILITY INSURANCE

Secretary

Louisiana Department of Environmental Quality
Post Office Box 8226331
Baton Rouge, Louisiana 70884-226331

Attention: ~~Solid Waste Division~~ Office of Management and
Finance, Financial Services Division

Dear Sir:

* * *

[See Prior Text in 1 – 3]

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

* * *

[See Prior Text in A.1.d.ii - ii.(c)]

(d). The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division receive the notice, as evidenced by the return receipts.

(e). The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SOLID WASTE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 8226331
Baton Rouge, Louisiana 70884-226331
Attention: ~~Solid Waste Division~~ Office of Management and
Finance, Financial Services Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. [] at the request and for the account of [permit holder's or applicant's name and address] for its [list site identification number, site name, facility name, and facility permit number] at [location], Louisiana, in favor of any governmental body, person, or other entity for any sum or sums up to the aggregate amount of U.S. dollars [] upon presentation of:

* * *

[See Prior Text in 1 – 2]

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.1.d.ii.(e), effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]

[date]

iii. Financial Test

(a). To meet this test, the applicant, permit holder, parent corporation of the applicant (corporate guarantor), or permit holder must submit to the Office of Management and Finance, Financial Services Division the documents required by Subsection A.2 of this Section demonstrating that the requirements of that Subsection have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the permit holder, applicant, or parent corporation (corporate guarantor). If the applicant, permit holder, or parent corporation is using the financial test to demonstrate liability coverage and closure and post-closure care, only one letter from the chief financial officer is required.

* * *

[See Prior Text in A.1.d.iii.(b) - iv.(a).(iii)]

(iv). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial-test criteria, the guarantor shall send within 90 days, by certified mail, notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, and to the permit holder or applicant, that he intends to provide alternative financial assurance as specified in Subsection A.1 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the permit holder or applicant has done so;

(v). the guarantor agrees to notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of a voluntary or involuntary proceeding under Title 11 (bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

* * *

[See Prior Text in A.1.d.iv.(a).(vi) - (xi)]

(b). A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division that a corporate guarantee is a legally valid and enforceable obligation in that state.

* * *

[See Prior Text in A.1.e - 2.a]

b. The applicant or permit holder shall submit to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures:

* * *

[See Prior Text in A.2.b.i - ii]

iii. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Subsection A.2.b.i and ii of this Section. The permit holder or applicant must revise the cost estimate whenever a change in

the closure/post-closure plans increases or decreases the cost of the closure plan. The permit holder or applicant must submit a written notice of any such adjustment to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 15 days following such adjustment.

* * *

[See Prior Text in A.2.b.iv - c.iv]

d. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.d.i - vii]

viii. After beginning final closure, a permit holder, or any other person authorized by the permit holder to perform closure and/or post-closure may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

* * *

[See Prior Text in A.2.d.ix (including Solid Waste Facility Trust Agreement/Standby Trust Agreement)]

e. Surety Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.e.i - v]

vi. Whenever the current cost-estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure estimate and submit evidence of such increase to the ~~administrative authority~~ Office of

Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in A.2.e.vii – viii (including Solid Waste Facility Financial Guarantee Bond)]

f. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.f.i - v]

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur before 120 days have elapsed beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

* * *

[See Prior Text in A.2.f.viii (including Solid Waste Facility Performance Bond)]

g. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.g.i - iii]

iv. The letter of credit must be irrevocable and issued for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts.

* * *

[See Prior Text in A.2.g.v]

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the permit holder, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure and post-closure cost estimates and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure and post-closure cost estimates upon written approval of the administrative authority.

* * *

[See Prior Text in A.2.g.vii]

viii. The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SOLID WASTE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality

Post Office Box 8226331

Baton Rouge, Louisiana 70804-226331

Attention: ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the state of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the [closure and/or post-closure] fund for its [list site identification number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars \$_____ upon presentation of:

1. A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;

2. A statement, signed by the administrative authority, declaring that the amount of the draft is payable into the standby trust fund pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder or applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.2.g.viii, effective on the date shown immediately below.

[Signature(s) and title(s) of
official(s) of issuing
institution(s)]

[date]

h. Insurance. A permit holder or applicant may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this Subparagraph and submitting a certificate of such insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.h.i - iv]

v. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and post-closure may request reimbursement for closure or post-closure expenditures by submitting itemized bills to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

* * *

[See Prior Text in A.2.h.vi - vii]

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the permit holder and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the permit holder receive notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

* * *

[See Prior Text in A.2.h.viii.(a) - (e)]

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the permit holder, within 60 days after the increase, must either increase the face amount to at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure and post-closure cost estimates following written approval by the administrative authority.

* * *

[See Prior Text in A.2.h.x - i.i.(b).(iii)]

ii. To demonstrate that he or she meets this test, the permit holder, applicant, or parent corporation of the permit holder or applicant must submit the following three items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in A.2.i.ii.(a) - iii]

iv. The permit holder, applicant, or parent corporation (if a corporate guarantor) of the permit holder or applicant shall provide to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division a letter from the chief financial officer certifying the following information:

* * *

[See Prior Text in A.2.iv.(a) – (d)]

(e). The wording of the letter from the chief financial officer shall be identical to the wording as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SOLID WASTE FACILITY LETTER FROM THE CHIEF FINANCIAL OFFICER

(Liability Coverage, Closure, and/or Post-Closure)Secretary

Louisiana Department of Environmental Quality

Post Office Box 8226331

Baton Rouge, Louisiana 70884-226331

Attention: ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage," "closure," and/or "post-closure," as applicable] as specified in [insert "LAC 33:VII.727.A.1," "LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and A.2"].

[Fill out the following four paragraphs regarding facilities and associated liability coverage, and closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the site identification number, site name, facility name, and facility permit number.]

* * *

[See Prior Text in 1 – 4]

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

PART A.LIABILITY COVERAGE FOR ACCIDENTAL OCCURRENCES

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I

1. Amount of annual aggregate liability coverage to be demonstrated \$_____
- *2. Current assets \$_____
- *3. Current liabilities \$_____
- *4. Tangible net worth \$_____
- *5. If less than 90 percent of assets are located in the U.S., give total U.S. assets \$_____

YES NO

6. Is line 4 at least \$10 million? _____
7. Is line 4 at least 6 times line 1? _____
- *8. Are at least 90 percent of assets located in the U.S.? If not, complete line 9. _____
9. Is line 4 at least 6 times line 1? _____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Amount of annual aggregate liability coverage to be demonstrated \$_____
2. Current bond rating of most recent issuance of this firm and name of rating service _____
3. Date of issuance of bond _____
4. Date of maturity of bond _____
- *5. Tangible net worth \$_____
- *6. Total assets in U.S. (required only if less \$_____

than 90 percent of assets are located in the U.S.)

| | YES | NO |
|--|-------|-------|
| 7. Is line 5 at least \$10 million? | _____ | _____ |
| 8. Is line 5 at least 6 times line 1? | _____ | _____ |
| *9. Are at least 90 percent of assets located in the U.S.? If not, complete line 10. | _____ | _____ |
| 10. Is line 6 at least 6 times lines 1? | _____ | _____ |

[Fill in Part B if you are using the financial test to demonstrate assurance only for closure and/or post-closure care.]

PART B. CLOSURE AND/OR POST CLOSURE

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I

| | |
|---|---------|
| 1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above) | \$_____ |
| *2. Tangible net worth | \$_____ |
| *3. Net worth | \$_____ |
| *4. Current Assets | \$_____ |
| *5. Current liabilities | \$_____ |
| *6. The sum of net income plus depreciation, depletion, and amortization | \$_____ |
| *7. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) | \$_____ |

| | YES | NO |
|--|-------|-------|
| 8. Is line 2 at least \$10 million? | _____ | _____ |
| 9. Is line 2 at least 6 times line 1? | _____ | _____ |
| *10. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 11. | _____ | _____ |

11. Is line 7 at least 6 times line 1? _____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown above) \$_____

2. Current bond rating of most recent issuance of this firm and name of rating service _____

3. Date of issuance of bond _____

4. Date of maturity of bond _____

*5. Tangible net worth (If any portion of the closure and/or post-closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line) \$_____

*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.) \$_____

YES NO

7. Is line 5 at least \$10 million? _____

8. Is line 5 at least 6 times line 1? _____

9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10. _____

10. Is line 6 at least 6 times line 1? _____

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage, closure, and/or post-closure care.]

PART C. LIABILITY COVERAGE, CLOSURE, AND/OR POST- CLOSURE

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I

1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above) \$_____

2. Amount of annual aggregate liability coverage to be demonstrated \$_____

3. Sum of lines 1 and 2 \$_____

*4. Total liabilities (If any portion of your closure and/or post-closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.) \$_____

*5. Tangible net worth \$_____

*6. Net worth \$_____

*7. Current assets \$_____

*8. Current liabilities \$_____

*9. The sum of net income plus depreciation, depletion, and amortization \$_____

*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.) \$_____

YES NO

11. Is line 5 at least \$10 million? _____

12. Is line 5 at least 6 times line 3? _____

*13. Are at least 90 percent of assets located in the U.S.? If not, complete line 14. _____

14. Is line 10 at least 6 times line 3? _____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above) \$_____

2. Amount of annual aggregate liability coverage to be demonstrated \$_____

3. Sum of lines 1 and 2 \$_____

4. Current bond rating of most recent issuance of this firm and name of rating service _____

5. Date of issuance of bond _____

6. Date of maturity of bond _____

*7. Tangible net worth (If any portion of the closure and/or post-closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.) \$_____

*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.) \$_____

YES NO

9. Is line 7 at least \$10 million? _____

10. Is line 7 at least 6 times line 3? _____

*11. Are at least 90 percent of assets located in the U.S.? If not, complete line 12 _____

12. Is line 8 at least 6 times line 3? _____

(The following is to be completed by all firms providing the financial test)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.727.A.2.i.iv.(e).

[Signature of Chief Financial Officer for the Firm]

[Typed Name of Chief Financial Officer]

[Title]

[Date]

* * *

[See Prior Text in A.2.i.v - vi]

vii. After initial submission of the items specified in Subsection A.2.i.ii of this Section, the permit holder, applicant, or parent corporation of the permit holder or applicant must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Subsection A.2.i.ii of this Section.

* * *

[See Prior Text in A.2.i.viii - ix.(d)]

(e). Guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division and to the permit holder or applicant that he intends to provide alternative financial assurance as specified in Subsection A.2 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the permit holder or applicant has done so.

(f). The guarantor agrees to notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of a voluntary or involuntary proceeding under Title 11 (bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding.

* * *

[See Prior Text in A.2.i.ix.(g) - (h)]

(i). The guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of Subsection A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division and the permit holder or applicant. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts.

* * *

[See Prior Text in A.2.i.ix.(j) - j.iii.(d).(ii)]

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, it must, within 210 days following the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.

* * *

[See Prior Text in A.2.j.iii.(f) – k.i.(a).(ii)]

(b). the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

(c). if a guarantee is canceled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If the owner or operator fails to provide alternate financial assurance within the 90-day period, then the owner or operator must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in A.2.k.ii - ii.(b)(ii)]

(c). If a local government guarantor no longer meets the requirements of Subsection A.2.j of this Section, the owner or operator must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

* * *

[See Prior Text in A.2.l - m]

i. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a registered

professional engineer to the Office of Management and Finance, Financial Services Division so stating;

* * *

[See Prior Text in A.2.m.ii - B]

1. A permit holder of a Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must provide to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under LAC 33:VII.709.E. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period.

a. The permit holder must provide an annual adjustment of the estimate for inflation to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division until the corrective action program is completed in accordance with LAC 33:VII.709.E.

b. The permit holder must provide an increased corrective action cost estimate to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division and the amount of financial assurance provided under Subsection B.2 of this Section if changes in the corrective action program or landfill conditions increase the maximum costs of corrective action.

c. Subject to approval of the administrative authority, the permit holder may provide a reduced corrective action cost estimate to the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division and the amount of financial assurance provided under Subsection B.2 of this Section if the cost estimate exceeds the maximum remaining costs of corrective action. The permit holder must provide the ~~Solid Waste Division~~ Office of Management and Finance, Financial Services Division justification for the reduction of the corrective action cost estimate and the revised amount of financial assurance.

* * *

[See Prior Text in B.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1316 (October 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste

Chapter 9. Enforcement

' 909. Closing Unauthorized and Promiscuous Dumps

Unauthorized and promiscuous dumps shall be closed through the following procedure.

* * *

[See Prior Text in A - C.2.e]

f. record in the parish mortgage and conveyance records a document describing the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name of the person with knowledge of the contents of the facility, as well as providing the chemical levels remaining, if present. A true copy of the document, filed and certified by the parish clerk of court, shall be sent to the ~~Solid Waste Division~~ Office of Environmental Compliance; and

* * *

[See Prior Text in C.2.g - E.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste

Chapter 11. Beneficial-Use Facilities

' 1105. Part I Application Form for Beneficial-Use Facilities

The applicant shall complete a beneficial-use application Part I Form (see Appendix G of this Chapter). The following notes refer to the items on the form requiring that information:

* * *

[See Prior Text in A - O]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 1109. Standards Governing Beneficial-Use Facilities

* * *

[See Prior Text in A - F.1.a]

i. The permit holder shall submit annual reports to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division indicating quantities and types of solid waste beneficially used, (expressed in wet-weight tons and dry-weight tons per year), during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual reporting period shall be submitted to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division. A form for this purpose must be obtained from the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division or the department's website at www.deq.state.la.us. The following standards apply to reports:

* * *

[See Prior Text in F.1.a.ii - iv]

v. Facilities which receive industrial solid waste shall utilize, in their annual report, the seven-digit industrial waste number that has been assigned by the ~~Solid Waste Division~~ department to the industrial solid waste generator.

vi. Reports shall be submitted as provided in Subsection F.1.b.~~vi-ix~~ii.(f) - (h) of this Section.

* * *

[See Prior Text in F.1.b - b.ii.(e)]

(f). copy of the semiannual soil waste mixtures tests and analyses of the results, with conclusions, submitted semi annually to the ~~Solid Waste Division~~ Office of Environmental Assessment, Environmental Technology Division, or more frequently if deemed necessary by the administrative authority.

* * *

[See Prior Text in F.1.b.ii.(g)]

(h). Annual reports of the analysis of all tests results on the soils; land-use, and crop information; calculated amounts of waste applied per acre; total amounts of nitrogen applied per acre; and cumulative metals loading per acre shall be submitted to the Office of Environmental Assessment, Environmental Technology Division.

* * *

[See Prior Text in F.2 - H]

1. All permit holders shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 90 days before closure or intention to close or abandon any individual units within a facility and shall provide the following information:

* * *

[See Prior Text in H.1.a - 2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

APPENDICES

Appendix A

Example of a ~~p~~Public ~~n~~Notice to be ~~p~~Placed in the ~~l~~Local ~~n~~Newspaper for ~~i~~Intention to ~~s~~Submit a ~~p~~Permit ~~a~~Application to the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division for ~~e~~Existing/~~p~~Proposed ~~s~~Solid ~~w~~Waste ~~f~~Facilities

PUBLIC NOTICE

OFINTENT TO SUBMIT PERMIT APPLICATION

(NAME OF APPLICANT/FACILITY)

FACILITY (location), PARISH (location), LOUISIANA

Notice is hereby given that (name of applicant; mailing address) does intend to submit to the Department of Environmental Quality, ~~Office of Solid and Hazardous Waste, Solid Waste Division~~ Office of Environmental Services, Permits Division, an application for a permit to operate a (type of solid waste facility) in (parish name), Range, Township, Section, which is approximately (identify the physical location of the site by direction and distance from the nearest town).

Comments concerning the facility may be filed with the secretary of the Louisiana Department of Environmental Quality at the following address:

Louisiana Department of Environmental Quality
~~Office of Solid and Hazardous Waste~~
~~Solid Waste Division~~
~~Permit Section~~
Office of Environmental Services
Permits Division
 Post Office Box 82178 35
 Baton Rouge, Louisiana 70884-2178-35

Appendix F

Document to be ~~f~~Filed in the ~~p~~Parish ~~r~~Records ~~u~~Upon ~~f~~Final
~~e~~Closure of a ~~s~~Solid ~~w~~Waste ~~d~~Disposal ~~f~~Facility:

(Name of permit holder) hereby notifies the public that the following described property was used for the disposal of solid waste. This site was closed on (date facility was closed) in accordance

with the Louisiana Administrative Code, Title 33, Part VII. Inquiries regarding the contents of (the facility) may be directed to (name of person with knowledge of the contents of the facility) at (address of person with knowledge of the content of the facility).

Property Description

(Provide the specific description of the location of the facility)

Signature of Person Filing Parish Record

Typed Name and Title of Person Filing Parish Record

Date

(A true copy of the document must be certified by the parish clerk of court ~~must be sent to the Solid Waste Division, Post Office Box 82178, Baton Rouge, LA 70884-2178.~~)

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 3. Louisiana Resource Recovery and Development Authority

Chapter 151. General Provisions

' 15103. Legislative Authority and Governance

* * *

[See Prior Text in A]

B. The authority is subject to the provisions of the act and, as to rulemaking, the Administrative Procedure Act (R.S. 49:950 et seq.). In addition, the actions and activities performed or carried out by the authority and its contractors in accordance with the act must be in conformity with applicable law, policies and rules of the state, in accordance with the Louisiana Solid Waste Management Plan, and in accordance with all applicable statutes, permitting procedures and regulations of the ~~Office of Solid and Hazardous Waste~~ department.

C. The authority is a function and responsibility of the Department of Environmental Quality and operates as a functional division within the ~~Office of Solid and Hazardous Waste~~ department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2301 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, LR 7:502 (October 1981), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 20:654 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 15109. Definition

All terms used in these rules shall have their usual meaning unless the context otherwise requires or unless specifically defined in the act or in substantive regulations which have been promulgated by the authority or the ~~Office of Solid and Hazardous Waste~~ department under Chapter 11 of Title 30 of the Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2301 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, LR 7:502 (October 1981), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 20:654 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 15111. Filings with the Authority

Whenever these rules or the act permit or require the filing of any notice, petition, document, or other correspondence with the Louisiana Resource Recovery and Development Authority, such filing shall be addressed and mailed to Louisiana Resource Recovery and Development Authority, Department of Environmental Quality, ~~Office of Solid and Hazardous Waste, Box 82178, Baton Rouge, Louisiana 70884-2178.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2301 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, LR 7:502 (October 1981), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 20:654 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 15117. Public Participation

A. The authority shall secure maximum input from interested groups and the public in the performance of its functions and shall provide information concerning its activities and solicit public participation by providing at least the following services:

* * *

[See Prior Text in A.1 - 2]

3. entry of a summary of authority actions in ~~the newsletter of the Department of Environmental Quality, or a publication~~ or by such other means as may be determined by the authority to be necessary or desirable; and

* * *

[See Prior Text in A.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2301 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, LR 7:502 (October 1981), amended by the Department of Environmental

Quality, Office of Solid and Hazardous Waste, LR 20:654 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.